

## **STATE PROPERTIES COMMITTEE MEETING**

**TUESDAY, APRIL 1, 2008**

The meeting of the State Properties Committee was called to order at 10:07 a.m. by Chairman Kevin M. Flynn. Other members present were Robert Griffith representing the Rhode Island Department of Administration; Richard Woolley representing the Rhode Island Department of Attorney General; John A. Pagliarini, Jr., Public Member and Xaykham Khamsyvoravong representing the Rhode Island Office of the General Treasurer. Others in attendance were Anthony Paolantonio from the Rhode Island House of Representatives; Jessica Cigna from the Rhode Island Senate Fiscal Office; Richard Kalunian from the Rhode Island Department of Transportation; John Ryan and Arn Lisnoff from the Rhode Island Department of Administration; Lisa Primiano, Mary E. Kay and John Faltus from the Rhode Island Department of Environmental Management; Richard DeFino, Gregory Bianco, Shelly Cortese and Donna Broccoli from the Rhode Island Department of Corrections; Kevin W. Savage from the Rhode Island Department of Children, Youth and Families; Thomas Brueckner and Laurie Horridge from The Narragansett Bay Commission; Anthony J. Bucci, Jr., from Boisseau & Dean, LLP on behalf of the Narragansett Bay Commission; Lieutenant George Stamatakis from the Providence Police Department; John Nickelson and Adrienne G. Southgate from the City of Providence; Dennis B. Langley and William Bentley from the Urban

**League of Rhode Island; Mayor Joseph M. Polisena from the Town of Johnston; Chief Andrew Baynes and Assistant Thomas Ucci from the Town of Johnston Fire Department and Steve Peoples from The Providence Journal.**

**Chairman Flynn noted for the record that the State Properties Committee did have a quorum present.**

**A motion was made to approve the regular minutes of the State Properties**

**Committee meeting held on Tuesday, March 4, 2008, by Mr. Pagliarini and seconded by**

**Mr. Griffith.**

**Passed Unanimously**

**A motion was made to approve the Executive Session minutes of the State**

**Properties Committee meeting held on Tuesday, March 4, 2008, as amended, by Mr.**

**Pagliarini and seconded by Mr. Woolley.**

**Passed Unanimously**

**A motion was made to approve the regular minutes of the special meeting of the**

**State Properties Committee held on Monday, March 10, 2008, by Mr. Griffith and**

**seconded by Mr. Woolley. The motion passed three (3) votes “Aye” and one (1)**

**abstention.**

**Three (3) Votes “Aye”**

**Mr. Griffith**

**Mr. Woolley**

**Chairman Flynn**

**One (1) Abstention**

**Mr. Pagliarini**

**A motion was made to approve the regular minutes of the State Properties**

**Committee held on Tuesday, March 18, 2008, by Mr. Griffith and seconded by**

**Mr. Woolley.**

**Passed Unanimously**

**The next scheduled meeting of the State Properties Committee will be held on**

**Tuesday, April 15, 2008, at 10:00 a.m.**

**A motion was made to hear Item Q and Item M out of sequence by Mr. Griffith and seconded by Mr. Woolley.**

**Passed Unanimously**

**ITEM Q – Department of Corrections – A request was made for approval of a Lease Agreement between the Department of Corrections and the Urban League of Rhode Island for office space located at 234 Prairie Avenue, in the City of Providence.**

**Chairman Flynn noted that this item has been before the State Properties Committee on six (6) separate occasions, although it was deferred on two of those occasions. It was first presented to the State Properties Committee on March 26, 2006, and returned on May 29, 2007, September 18, 2007 and January 8, 2008. The following individuals introduced themselves as the presenters for Item Q as follows: Mr. Ryan from the Rhode Island Department of Administration, Dennis B. Langley from the Urban League of Rhode**

Island, Richard DeFino from the Rhode Island Department of Corrections, Lieutenant George Stamatakos, District Commander of District 2 of the City of Providence (upper and lower South Providence.) Chairman Flynn suggested that Mr. Ryan provide the Committee with a brief history of the Request for Proposals relative to this matter. Mr. Ryan explained that the Department of Corrections advertised for a Request for Proposals which produced two responses. One response came from the Urban League of Rhode Island and the second response from another entity, which did not meet the specifications outlined in the Request for Proposals. Therefore, the Urban League of Rhode Island was selected as the successful candidate. The Department of Corrections appeared before the State Properties Committee seeking permission to enter into negotiations with the Urban League of Rhode Island, which was granted. At that time, concerns were raised regarding the existence of a childcare facility at the site. Mr. Ryan indicated that the Department of Corrections, the Department of Administration, the Urban League of Rhode Island and the Providence Police Department believe they have addressed these concerns and a representative of each of the participants is present today to address any further questions and/or concerns of the State Properties Committee. Mr. Ryan provided the Committee with a brief outline of the Lease Agreement. The Lease Agreement is for a term of five (5) years. The site consists of approximately 2,900 square feet and includes twelve (12) parking spaces. The annual rental fee is \$40,000. The estimated commencement date is June 1, 2008, to accommodate a sixty (60) day

build-out, which will be the obligation of the Urban League of Rhode Island. Mr. Ryan requested that Mr. DeFino of the Department of Corrections explain the mission of the Adult Probation and Parole Unit. Mr. DeFino explained that the mission of the Department of Corrections is to supervise offenders effectively and efficiently in the communities in which they reside. Mr. DeFino provided the Committee with a density map, which illustrated the population of offenders in each of the communities throughout the City of Providence. Mr. DeFino noted that the map illustrates that essentially no offenders reside in the general area of the present locations of the Adult Probation and Parole Units. Chairman Flynn asked Mr. DeFino to remind the Committee of the circumstances surrounding the Adult Probation and Parole Unit's need to relocate. Mr. DeFino explained that the Adult Probation and Parole Units are presently located at the Licht Judicial Complex and the Joseph Garrahy Judicial Complex. As a result of new programs being offered by the Courts, the Adult Probation and Parole Units have lost a significant amount of office space at both locations. The Adult Probation and Parole Unit employs sixteen (16) probation officers, which are currently co-existing in office space initially intended and suitable for one individual. Mr. DeFino indicated that the current conditions are causing great difficulty due to the large number of offenders that report to these Units. Obviously, these factors negatively impact the officer's ability to effectively and efficiently supervise the offenders. Therefore, the Adult Probation and Parole Unit wishes to return to the community wherein many of the

offenders reside and to a suitable location that provides ample work space in order that the staff can provide the offenders with the necessary supervision. Mr. DeFino indicated that the density map clearly illustrates that the majority of offenders supervised by the Unit reside in the vicinity of the Urban League site. Mr. DeFino explained that in the upper/lower South Providence area, one in three adult males are on probation or parole under the supervision of the Department of Corrections. Mr. DeFino stated that within less than a half ( $\frac{1}{2}$ ) mile radius of the Urban League site, there are approximately eight hundred (800) probationers and parolees. Mr. DeFino indicated that approximately 1,300 offenders are released to the City of Providence annually and the majority of those individuals are residing close proximity to the Urban League site. Mr. DeFino reiterated that in keeping with the Department of Correction's mission, it is obviously most advantageous that the Adult Probation and Parole Unit supervise offenders from a facility located within the communities most densely populated by offenders. Mr. Ryan indicated that since the Department of Correction's last appearance before the State Properties Committee, the Providence Police Gordon Street Substation will be relocating to the Urban League site, which is a fairly significant change in circumstances. Lieutenant Stamatakis thanked the Committee for allowing him the opportunity to speak regarding this matter. Lieutenant Stamatakis stated that this matter is of great importance to the Chief of Police. Lieutenant Stamatakis noted that community policing is all about partnerships and the Providence Police Department has had a great deal of success as a

result of these partnerships; whether the partnerships involve non-profit organizations, members of the community or other government agencies. Lieutenant Stamatakos stated that the Providence Police Department has been working in conjunction with the Adult Probation and Parole Unit for quite some time now as well as with the Greater Elmwood Neighborhood Services, Inc., which is a development corporation in the area that constructs re-entry housing.

Lieutenant Stamatakos noted that he is on the Board of the Greater Elmwood Neighborhood Services and on the Board of the Family Life Center, which focuses on prisoner re-entry. These organizations have become very involved with the Department of Corrections on many different fronts and these partnerships have been very beneficial to all those involved. Lieutenant Stamatakos noted that there have been no security issues associated with this site in the past and the presence of the Providence Police within the building will only serve to ensure the safety of the individuals who utilize the services provided at this site. Chairman Flynn asked Lieutenant Stamatakos to describe the police staffing intended for this location. Lieutenant Stamatakos indicated that the staffing consists of between 25 to 35 officers that will work out of this location on a 24 hour per day, 7 days per week basis. Lieutenant Stamatakos indicated that the officer's will respond for daily role call, patrol vehicles will be kept on site and his office will be located at this site. Lieutenant Stamatakos indicated that a supervisor in charge will be present at all times. Lieutenant Stamatakos assured the Committee that there will be an substantial police presence at the site at all times. Mr. Langley



indicated to the Committee that this operation is by no means new. The Urban League has operated this facility since 1977. There has never been an incident associated with the operation of this facility. Mr. Langley indicated that a Head Start program and the Flynn School previously occupied the building. Mr. Langley explained that the Urban League has fenced in the outside area where the children exercise. Monitors have been installed to further ensure the safety of the children. Mr. Langley informed that Committee that the Department of Children, Youth and Families requires that for every seven (1) children that attend the daycare facility that there must be one (1) staff member to supervise them. Therefore, at all times, a staff member will be closely supervising these children. Mr. Langley indicated that the children that attend the daycare facility and the clients, which report to the Adult Probation and Parole Unit will never cross paths. Chairman Flynn indicated that Kevin Savage has submitted correspondence to the State Properties Committee concerning the security measures in place at the subject location and is present to answer any questions on behalf of the Department of Children, Youth and Families, Division of Licensing. Mr. Ryan noted that the Lease Agreement before the Committee is the Department of Administration's standard form lease agreement, which was prepared by Louis DeQuattro, Chief Legal Counsel, in conjunction with the Department of Attorney General. Mr. Ryan indicated that Mr. Woolley of the Department of Attorney General requested language be added to the indemnification clause of the Lease Agreement and the Urban League agreed to the addition of the requested language. Mr.

Woolley asked to review the Lease Agreement, as amended, as he did not receive a copy of the same with the modified language. The Lease Agreement was provided to Mr. Woolley for his review. Mr. Ryan indicated that Attorney Michael Mitchell and Richard Woolley worked together to establish the final language. Chairman Flynn indicated that he asked Mr. Mitchell to attend this meeting; however, Mr. Mitchell is scheduled to appear in Superior Court this morning. Chairman Flynn asked if there are any questions from the Committee.

Mr. Pagliarini asked if the Department of Corrections believes the cost of \$13.79 per square foot or \$40,000 annually is a reasonable rental amount for the subject premises. Mr. Ryan explained that the Urban League's offer was in response to a Request for Proposals. Mr. Ryan further explained the rental amount includes all utilities, security, trash-removal, and the build-out, which will include new paint, new ceilings, new lighting, the construction of cubicles for the Department of Correction's staff and the installation of telephone and data wiring that will be connected to a new data closet. Mr. Ryan indicated that the Urban League will also construct handicap accessible improvements to the rear entrance of the building, construct a reception/waiting area for the clients and construct rest rooms for the clientele and employees. Mr. Ryan noted that the Urban League is doing a substantial amount of work prior to the Adult Probation and Parole Unit taking occupancy. Mr. Pagliarini indicated that the last time he visited the Veterans Action Center located at this facility it was essentially a cinderblock building with a drop ceiling. Mr. Ryan stated that the site is 'not the Turks Head Building', but the

Department of Corrections has never represented that it was a building of that caliber. However, the site serves the purpose that it is intended to serve. Mr. Pagliarini commented that in view of the inclusion of the utilities and the improvements the Urban League has agreed to make, he feels more comfortable with the amount of the rental fee. Mr. Pagliarini asked Lieutenant Stamatakos what guarantee the State Properties Committee has in these fiscal times that the City of Providence is actually going to fund the police operation at this site. Mr. Pagliarini asked what assurance the Committee has that the substation will actually relocate to this site. Lieutenant Stamatakos indicated that the police substation has to be somewhere. Presently the Providence Police Substation is located at 17 Gordon Avenue and is an inadequate location in terms of available space. Lieutenant Stamatakos indicated that the operation has simply outgrown the current location. Mr. Pagliarini asked if he is correct in assuming that the Providence Police Department will pay rent for space at the Urban League site. Lieutenant Stamatakos indicated that he had no information regarding the rental arrangements. Mr. Pagliarini asked what assurance the Committee has that the Mayor or the City Council will not leave this operation on the budget floor. Mr. Pagliarini indicated that the Providence Police's presence has a tremendous impact on his vote relative to this request; however, the Committee has no guarantee that the police substation will actually relocate to this facility beyond correspondence received from Chief Esserman, which indicates that the substation will be relocated to this facility. Mr. Pagliarini

indicated that with all due respect, Chief Esserman will not be funding the cost of the relocation. Mr. Langley indicated that the Urban League has discussed this matter with the Chief Esserman and the parties agree that the Providence Police Substation will be moving into the Urban League facility. Chairman Flynn indicated that he believes Mr. Pagliarini's concern is that Chief Esserman does not necessarily control the purse strings of the City of Providence and is concerned that due to financial constraints the City Council will decide to hold back on the relocation of the substation. Mr. Ryan stated that he did not want to speak for Lieutenant Stamatakos; however, community policing has been a very high priority for Chief Esserman. Mr. Ryan also indicated that from a budgetary stand point, he fails to see how the Providence Police Department can guarantee what will be funded, but believes the relocation of the substation will be a high priority. Mr. Pagliarini commented that Mr. Ryan can make that statement; however, Mr. Pagliarini stated that "I am sure the person sitting at this table can show me demographic information that has not changed substantially in the last five years and it has not been a high enough priority to cause it previously." Mr. Ryan informed Mr. Pagliarini that the Providence Police substation is already located in the area; they are just moving to another larger location in another facility. In fact, the current substation is located within two blocks of the Urban League site and the operation has been funded. Mr. Langley indicated that the Urban League is in charge of the 17 Gordon Street premises and has been working with the Providence Police Department for the last three (3) years.

Lieutenant Stamatakos commented that he does not completely understand what Mr. Pagliarini means by “being funded.” as a substation has been operating in the area and compensating its police officers. Lieutenant Stamatakos explained that the City of Providence is broken up into nine (9) districts and the upper and lower South Providence district is the biggest and the busiest. Mr. Pagliarini indicated that he is not suggesting the police will not be in the area, but he wants the Providence Police Substation to be relocated to this complex. Mr. Pagliarini clarified that the Committee has been provided with a Lease Agreement between the Urban League of Rhode Island and the Department of Corrections. However, the Committee has not been provided with a lease agreement between the Urban League of Rhode Island the City of Providence/Providence Police Department for a term of five (5) years. The Committee has nothing save verbal representation from Lieutenant Stamatakos and correspondence from Chief Esserman that the Providence Police Substation will relocate to the Urban League site. Mr. Woolley indicated that his question is directed at the Department of Corrections. Mr. Woolley asked that in light of the budget crisis the State of Rhode Island is experiencing, what sort of staffing will be guaranteed for this particular Adult Probation and Parole Unit. Mr. Woolley questioned how many probation officers and support staff will be employed at this location, as this will obviously be a very busy office. Mr. Woolley asked what guarantee the Committee has that there will be an adequate number of probation officers to effectively keep track of the case loads. Mr. DeFino

indicated that the plan is to employ ten (10) probation officers, a supervisor and a clerical employee at this location. Mr. Woolley asked what guarantee does the Committee have that the Department of Corrections proposed staffing for this unit will not end up on the cutting room floor once the budget is passed. Mr. Woolley is concerned that once the budget is passed, the proposed number employees for this Unit could be substantially reduced. Mr. Woolley also expressed concern that more experienced probation officers may jump ship due to changes in pensions and other benefits. Mr. Woolley is concerned that the Unit could end up being understaffed with inexperienced probation officers in an area where extraordinary security measures have been implemented to facilitate its relocation to this site. Mr. Langley stated that at this time the Urban League has a contract with the Department of Corrections to work with parolees and the Urban Leagues staff works closely with the Providence Police Department, the Department of Corrections and with State Police where this matter is concerned. Mr. Langley indicated that the offenders will be monitored on a daily basis. They must attend workshops conducted by the staff, which works closely with the Adult Probation and Parole Unit. Mr. Langley believes that there is a concerted effort by all parties involved to ensure that the community is much safer. Mr. Pagliarini asked Kevin Savage, Administrator of the Division of Licensing and Regulations, Department of Children, Youth and Families, how a daycare provider obtains a license to operate from this facility. Mr. Pagliarini asked if the existence of the Adult Probation and Parole Unit within the Urban League site

changes the Department of Children, Youth and Families' position regarding the licensing of this daycare facility. Mr. Savage explained that daycare facilities obtain licensing based upon meeting regulatory requirements within its own facility. Mr. Savage stated that the Urban League of Rhode Island does a tremendous job of ensuring the safety and protection of the children; it is one of the finest daycare facilities in the State of Rhode Island. Mr. Savage indicated that he has personally toured the site and noted extraordinary security measures in place. Mr. Savage indicated that he believes there is no better daycare facility in the State of Rhode Island in terms of the safety of the children. Mr. Savage noted that he conducted a background search of the facility and found that it has never been investigated for any reason and maintains an impeccable record; "it is a wonderful program." Mr. Pagliarini moved to approve the Lease Agreement, as presented; however, Mr. Pagliarini deferred to Mr. Woolley to determine whether the State Properties Committee would be over reaching its authority to make a motion to approve subject to some type of lease agreement between the City of Providence and the Urban League of Rhode Island being presented to the State Properties Committee to ensure that the Providence Police Substation will in fact relocate to this site. Mr. Woolley indicated that he was not sure that the State Properties Committee can dictate to the City of Providence what it can or cannot do. Mr. Woolley indicated that the Committee could impose a condition for proposes of its approval of the Lease Agreement that some sort of assurance be provided to the Committee that the Providence Police Department

is going to be a presence within the Urban League site. Chairman Flynn asked for a second to the motion for the purposes of further discussion. For the purposes of further discussion, the motion was seconded by Mr. Griffith. Mr. Griffith asked if the maker of the motion would consider revising the condition of the motion to require the parties involved to return to the State Properties Committee in the event of staffing reductions of either the District 2 Substation's officers and/or the Adult Probation and Parole Unit. Mr. Pagliarini respectfully declined to impose said conditions as he does not wish to micromanage the Department of Corrections. Chairman Flynn indicated that the question is what authority the State Properties Committee has to mandate an action between the City of Providence and the Urban League of Rhode Island. Mr. Ryan asked if it would be reasonable to ask the State Properties Committee to approve the Lease Agreement contingent upon receiving a letter from the Chief Esserman. Chairman Flynn indicated that the State Properties Committee has already received a letter from Chief Esserman; however, the letter does not address a lease agreement between the City of Providence/Providence Police Department and the Urban League of Rhode Island. Mr. Ryan asked if a letter from the Chief declaring his commitment to the relocation of the substation to Urban League site would satisfy the concerns of the Committee. Mr. Pagliarini indicated that it is his position that if the Providence Police were not part of this presentation, he would vote no relative to this request; however, he would be voting no because of the presence of the daycare facility; not because of the population the Adult



Probation and Parole Unit serves. Mr. Pagliarini stated he understands the demographics and the cohorts; all of that is perfectly reasonable and clear. However, Mr. Pagliarini indicated that if he votes no the daycare facility is in a worse position than if he votes yes because then the Providence Police are on site. Mr. Pagliarini indicated that he considers having the police presence on site a win. Mr. Pagliarini indicated that he is simply looking for a little more reassurance that the Providence Police Substation will in fact be there. Mr. Pagliarini commented that he would love to have a lease agreement that mirrors the exact dates and terms of the Adult Probation and Parole Unit's Lease Agreement with the Urban League of Rhode Island; however, he recognized that request may be beyond the authority of the State Properties Committee and beyond the control of the City of Providence. Mr. Pagliarini indicated he certainly takes the Chief and Lieutenant Stamatakos at their word, but he is unsure as to how much discretion either of them have relative to budget issues. Mr. Pagliarini agreed with Lieutenant Stamatakos' representation that the Providence Police must have a substation in the upper/lower South Providence area; however, the Providence Police are presently surviving in a non-optimal location. Mr. Pagliarini indicated that in order to vote in favor of the Lease Agreement between the Department of Corrections and the Urban League of Rhode Island, he personally must be assured that the Providence Police Substation will relocate to the site. Mr. Khamsyvoravong indicated that it is a huge endorsement that Lieutenant Stamatakos appear before the State Properties Committee

today on behalf of the Providence Police Department. Further, Mr. Khamsyvoravong commended the efforts of all those involved in terms of finding a location that certainly brings policing back to what it really is all about. Mr. Khamsyvoravong also indicated that the presence of a daycare facility at the site certainly concerns him. Mr. Khamsyvoravong asked for more details relative to the staffing of the community substation. Mr. Khamsyvoravong indicated that he was personally assaulted at the substation located on the Eastside of Providence while he was a student. Additionally, it is Mr. Khamsyvoravong's understanding that the Gordon Avenue substation, despite the high standard by which the Urban League operates its buildings, has also had issues in the past. Therefore, Mr. Khamsyvoravong asked Lieutenant Stamatakos to elaborate on what reassurance the Committee has that the substation will be staffed in the most professional manner. Lieutenant Stamatakos indicated that he would be willing to provide the Committee with a list of all resources available for the substation inclusive of manpower, and community volunteers. Lieutenant Stamatakos indicated that he is hearing that the Committee wants the Providence Police at the site and the Providence Police very much want to be there. It is now simply a matter of putting it on paper. Lieutenant Stamatakos is certain the parties can provide the State Properties Committee with whatever it deems necessary given a reasonable amount of time. Mr. Stanley and Lieutenant Stamatakos provided the Committee with many examples how much safer the community has become since the partnership between the Providence Police and the Urban League

of Rhode Island began. Mr. Woolley commented for the record that he has worked with John Ryan and Michael Mitchell relative to this Lease Agreement and the Urban League agreed to his request to add language to the Lease Agreement. Mr. Woolley indicated that he is satisfied that the Lease Agreement is appropriate in terms of the indemnification clause, the insurance and the other terms and conditions; however, both he and the Deputy Attorney General continue to have concerns that there is the need for extraordinary security for the combining of two services that should not be in close proximity to each other. Chairman Flynn echoed the concerns expressed by Mr. Woolley and indicated that is the reason the Committee and the Department of Corrections as well as the other parties involved have gone to extraordinary lengths to address those concerns initiated by this Committee. Chairman Flynn after deferring to Mr. Woolley asked if it would be appropriate to ask that a provision be added to the Lease that in the event, for whatever reason the Providence Police do not relocate to the Urban League site that the State Properties Committee will have the ability to review the Lease Agreement and possibly terminate. Chairman Flynn asked the Committee if this condition will provide it the necessary level of comfort. The majority of the Committee agreed that this condition will provide them with the necessary level of comfort. Chairman Flynn then asked Mr. Ryan from the Rhode Island Department of Administration, Dennis B. Langley from the Urban League of Rhode Island, Richard DeFino from the Rhode Island Department of Corrections, Lieutenant Stamatakis from the Providence Police

Department if they are agreeable to having this provision added to the Lease Agreement. The aforementioned individuals all indicated that they are agreeable to such a provision being added to the Lease Agreement. Mr. Pagliarini stated that it satisfied his concerns. Chairman Flynn then asked Mr. Pagliarini if he would amend his motion to include this condition. Mr. Pagliarini amended his motion as follows: A motion was made to approve the Lease Agreement by and between the Department of Corrections and the Urban League of Rhode Island subject to the Lease Agreement being amended to reflect that should the Providence Police Department vacate the Urban League of Rhode Island site or significantly reduces its staff, the Department of Corrections is required to return to the State Properties Committee for a review of the Lease Agreement and the State Properties Committee will have the option to terminate the Lease Agreement at that time. The motion was seconded by Mr. Griffith. The motion to approve passed three (3) votes “Aye” and one (1) abstention.

**Three (3) Votes “Aye”**

**Mr. Griffith**

**Mr. Pagliarini**

**Chairman Flynn**

**One (1) Abstention**

**Mr. Woolley**

**ITEM M – Department of Environmental Management – A request was made for conceptual approval to proceed with the transfer of the care, control and preservation of approximately one (1) acre of State-owned property to the Town of Johnston for the construction of a fire station and the development of public recreation facilities at Snake Den Park in the Town of Johnston. The individuals presenting information regarding Item M introduced themselves as follows: Mary Kay, Deputy Chief Legal Counsel for the Department of Environmental Management, Mayor Joseph M. Polisena of the Town of Johnston, Chief Andrew Baynes from the Town of Johnston Fire Department and Assistant Chief Thomas Ucci from the Town of Johnston Fire Department. Mayor Polisena explained that the Town of Johnston had a fire station that was previously located on Hartford Avenue, which was owned by the West End Volunteer Fire Association. The fire station was built in 1964 and throughout the years it deteriorated to the point that it was condemned. Mayor Polisena indicated that when he became Mayor of the Town of Johnston last year, he was compelled to remove the firefighters from the building due to safety reasons. Mayor Polisena indicated that previous administration had a haphazard agreement to rebuild a transmission shop into a fire station. The Town of Johnston expended hundreds of thousands of dollars to construct that fire station; however, the facility was temporary. Mayor Polisena explained that the original fire station actually had a much safer egress onto Hartford Avenue, because of the existence of a traffic**

light located directly near the station. At the current station, there is no traffic signal and Mayor Polisena indicated that his heart is in his mouth each time the firefighters and emergency vehicles exit the station to respond to a call. Mayor Polisena, having been a firefighter for nearly 22 years, clearly understands that Hartford Avenue is a deadly road, and perhaps one of the deadliest roads in the nation. Mayor Polisena explained that out of his 22 years with the Department, he spent 18 of those years on a rescue vehicle. During those 18 years, he indicated that on an average he responded to a fatality on Hartford Avenue at the very least every other year. Mayor Polisena explained that the current location of the, so called, fire station causes a dangerous situation each time the engine company, the rescue company and/or the rescue boat received a call and have to exit the station. Mayor Polisena indicated that although he disliked having to verbalize the circumstances under which he executed the Lease Agreement; he feels he did so under great duress without any alternative choice. Mayor Polisena noted that the Town of Johnston has obviously been searching for an alternative location for a fire station, as the rental fee for the current location substantially increases the longer the Department stays there. When the term of the lease ends, the Town enters into renegotiations and the process is very costly for the taxpayers of the Town of Johnston. Mayor Polisena indicated that the Town of Johnston now has approximately \$2,250,000 to invest in a fire station. If the Town was to purchase land in order to construct a fire station, that amount would most likely decrease by half and there would be insufficient funds to actually

build the fire station. The Town of Johnston has secured some funding from Resource Recovery through a court order and an agreement resulting from a dispute the Town had during the previous administration. The Town has also received commitments from a couple of trucking companies to contribute toward the cost of constructing a new fire station. Therefore, the Town has the funds to construct a building itself; however, the Town does not have the finances to purchase the land and needless to say there is no land available to purchase for such a project. Mayor Polisena indicated that what the Town wishes to do is to build a public safety complex on State property, which would include the extension of waterlines onto State property. Mayor Polisena noted that Snake Den State Park consist of approximately 1,200 acres of land. The Town wishes to construct a fire station on a portion of this property, which would house an engine company, a rescue company and an emergency boat to service the lakes in the area. The Town would also locate its communications center on the property. Mayor Polisena indicated that the relocation of a traffic signal to the subject property will make it much safer for vehicles to exit onto Hartford Avenue. Mayor Polisena indicated that the Department of Environmental Management has several offices on Hartford Avenue and this proposal would allow the employees of those offices to exit via the fire station onto Hartford Avenue with the existence of a traffic signal.

Mayor Polisena indicated that during his tenure as a State Senator, he received numerous requests each month for the installation of a traffic signal along this portion of Hartford Avenue. Mayor Polisena

explained that this project is actually a State-Town partnership. This project will allow access to the citizens of not only the Town of Johnston but of the entire State to recreate on the property. Mayor Polisena indicated the project will include twenty-four (24) parking spaces for the public as well parking spaces for buses for school children to tour this State Park site. Mayor Polisena indicated that this site is a very beautiful location and he would encourage the Committee to visit the site. The Town will also construct public rest rooms. The Town will maintain the parking lot and install sufficient lighting so that the public can utilize the parking lot with confidence and safety. Chairman Flynn asked if the rest rooms will be outside of the fire station. Mayor Polisena explained that the rest rooms will be located outside the fire station and will be equipped with automatic locks that will open in the morning and automatically lock at night. Mayor Polisena stated that the rest rooms will also be maintained by the Town of Johnston. Ms. Primiano provided a site map and illustrated the location of the traffic signal, the access points, the location of the proposed fire station, the rest rooms and parking lot. Mr. Pagliarini asked how the walking trails will be accessed from the parking lot. Ms. Primiano illustrated access to the trails using the site map. Ms. Primiano explained the area surrounding the proposed fire station. Ms. Primiano noted that there is a house, which has been vacant for approximately two years and part of the project will be the demolition of that structure at the sole cost of the Town of Johnston. Ms. Primiano indicated that the park will continued to be utilized for passive recreation. Mayor Polisena indicated that the public



presently utilizes the property; however, they park on Brown Avenue, which is a very narrow and dangerous road. Mayor Polisena stated that the Town currently receives complaints from the surrounding neighbors regarding vehicles parking on Brown Avenue, as it obstructs the passage of buses and emergency vehicles. This project would eliminate the need for the public to park on Brown Avenue. Mr. Griffith indicated that he is aware that the proposed water park project is now defunct; however, there was some discussion, at one time, concerning the development of a cross-country track on the property. Ms. Primiano indicated that the Department continues to discuss the development of a cross-country track on a portion of the Snake Den property. The Department of Environmental Management believes there is a need for a cross-country track in the State and Ms. Primiano indicated that she believes the Town of Johnston will be amenable to the development of such a project. Therefore, Ms. Primiano indicated that proposed development of a cross-country track is definitely open for discussion. Mr. Pagliarini asked Mayor Polisena if he anticipates a tower being constructed on the site. Mayor Polisena stated that there is no longer a need for large towers; they have been replaced by what is essentially a thin rod which is placed on the roof of the building. Mr. Pagliarini questioned the configuration of the subject property. Mr. Pagliarini indicated that since the Town of Johnston is going to construct a driveway across the property, why not give the Town the frontage along Hartford Avenue; why is the parcel located so far back? Ms. Primiano explained that the frontage parcel of land was

**purchased with open space bond funds and the Department of Environmental Management would like to contain as much of it as it can within that two acre lot. Mr. Pagliarini asked Mayor Polisena if he believes the site is large enough for the proposed fire station project. Mayor Polisena indicated that he feels the site is large enough. Mr. Pagliarini asked if the Department of Environmental Management will leave a door open for expansion of the fire station if necessary. Ms. Primiano indicated that the Department will not close the door on any modifications to the proposed plan as this project proceeds. Ms. Kay indicated that any modifications will have to be justified and backed up with legal documents and an appraisal process. Ms. Kay explained that there are also other parcels of land located across the street, which will be transferred to the State of Rhode Island, as the State can not simply give away State-owned property. The Department of Environmental Management is trying to keep the value of the properties equal. Ms. Primiano indicated that the parties are seeking conceptual approval at this time, subject to the Committees approval, the Department of Environmental Management would return with much more specific information regarding land values and other aspects of the project. Mayor Polisena indicated that the Town of Johnston will be giving the State of Rhode Island approximately 150 acres of land located near the Oak Swamp area for conservation purposes. Ms. Kay indicated that the Department of Environmental Management is very mindful of the precedent being set and intends to be able to justify this transaction. A motion was made to grant conceptual approval by Mr. Woolley and seconded by Mr. Griffith.**

## **Passed Unanimously**

**ITEM A – Department of Administration – A request was made for conceptual approval to receive a gift of a permanent easement on property located adjacent to the Rhode Island School for the Deaf. Mr. Lisnoff explained that the Department of Administration, Division of Capital Projects and Property Management is in the process of constructing a school for the deaf at this time. Mr. Lisnoff provided the Committee with the proposed layout of the building located on land under the custody and control of Elementary and Secondary Education. Mr. Lisnoff explained that in order to save approximately \$1.5 million dollars, the school is being tied to an existing building and constructing the new school adjacent to an existing gymnasium and then demolishing the old building. The project should break ground later this year if the construction documents come in on time as expected. Mr. Lisnoff explained that in order to have better access to the back of both the existing building and the new building, he requested, via correspondence dated March 4, 2008, the gift of a permanent easement consisting of approximately 6,300 square feet from the owners of an adjacent property. The gift of the permanent easement will save the State of Rhode Island from having to construct a retaining wall. The value of the retaining wall is approximately \$35,000. Mr. Lisnoff indicated that the State will avoid the necessity of the retaining wall by grading up onto the easement area. The State will also be able to construct a twenty foot access around the back of the school rather than construct a ten foot access road. Mr. Lisnoff indicated that the area highlighted in yellow on the**

site map is the area of the permanent easement. Mr. Lisnoff indicated that the landowner is willing to gift the permanent easement; however, there is a condition associated with this transaction. The landowner, if possible, would like to be allowed to deduct the value of the easement. Therefore, Mr. Lisnoff has suggested to the Department of Administration's legal counsel that the gift of the easement be made to a preexisting non-profit organization called Friends of the Rhode Island School for the Deaf. This non-profit will then assign the permanent easement on the day it is gifted from the property owner to the State of Rhode Island. The property owner can then take the value of the gift of the permanent easement as determined through their own evaluation. Therefore, this transfer will accomplish two things; it will save the State of Rhode Island \$35,000 in construction costs and make access to the building much easier. It does not appear that this transaction will impact the property owner in anyway which has not already been addressed. The State will be re-grading a portion of the easement and paving an area within 100 feet of a wetland. Although it will not be a significant alteration, the Department of Environmental Management's approval will be necessary. Mr. Woolley asked if there will be any additional costs in terms of addressing the property owners concerns regarding drainage. Mr. Lisnoff explained that if the State had to construct a retaining wall to avoid encroaching upon the adjacent landowner's property, the State would pay and additional net costs of approximately \$35,000. Mr. Woolley asked if there will be anything located underground in terms of pipes. Mr. Lisnoff indicated that

there will be nothing under the ground of the easement area, nor do the drainage structures being built have to be modified. Mr. Lisnoff indicated that the drainage structure is somewhat of a favor to the landowner as historically he has had a problem with drainage. The State is not significantly adding to its drainage; however, relative to a small piece of his property the State is assuring that drainage will not become worse. Mr. Pagliarini expressed concern regarding the landowner's donation of the easement as it has been his experience that prior to closing on a gift of a permanent easement, an appraisal of the property will have to be conducted. Mr. Lisnoff indicated that if the property owner wishes to gift the easement then he will be responsible for the cost of appraising the property. The State will not expend funds to have the property appraised. Chairman Flynn asked who the abutting landowner is. Mr. Lisnoff stated that the landowner is Branch Avenue Associates and he considers their willingness to gift this easement very generous. Mr. Lisnoff indicated that he was fully prepared to make an offer to purchase the permanent easement; however, Branch Avenue Associates chose to gift the permanent easement. Mr. Pagliarini indicated that the size of the easement in Mr. Lisnoff's letter to the landowner is incorrect. Mr. Lisnoff agreed the calculations regarding the dimensions of the easement are incorrect in his correspondence to the property owner; however, the landowner is referencing the plan, which depicts the correct dimensions of the easement. A motion was made to grant conceptual approval, as presented, by Mr. Pagliarini and seconded by Mr. Woolley.

**Passed Unanimously**

**ITEM B – Department of Administration / Department of Environmental**

**Management – A request was made for conceptual approval to proceed with the surplus process of approximately 72.5 acres of vacant State-owned land located in Wakefield, consisting of a portion of the Oliver Stedman Government Center property on Route 1 with frontage on the Narrow River. Mr. Ryan explained that the Department of Administration and Department of Environmental Management wish to sell acreage behind the Oliver Steadman Government Center located in South Kingston as a sole source to the Conservation Fund in conjunction with the United States Fish and Wildlife Service. Ms. Primiano illustrated the exact location of the subject property. The Department of Environmental Management was contacted last year by the United States Fish and Wildlife Services indicated that it was interested in acquiring a portion of the Government Center property. The Courthouse is located at the rear of the property and the building, which houses a variety of other governmental offices, is located on the front portion of the property. The State of Rhode Island originally acquired the property in 1980 and was initially using the frontage and then developed the Courthouse in the back. Ms. Primiano noted that the parcels of land, which abut the subject property to the north and south, are owed by the Fish Wildlife Service and are all part of the Chafee Preserve, which totals approximately 300 acres of land. This property is one of the premiere refuges for the State of Rhode Island. The United States Fish and Wildlife Service has funding available and has been actively seeking**

additional acquisitions in this area. When the United States Fish & Wildlife Service initially contacted the Department of Environmental Management, it indicated that the transaction seemed like a good idea and it would examine their proposal further. However, the Department felt that there was no real pressure on the property for development. The Department did not push the proposal forward and the United States Fish and Wildlife Services, at the time, had many other proposals it was investigating. During this time of budgetary issues, The United States Fish and Wildlife Service came forward again and made an offer. The Department of Environmental Management wants to see that land preserved and the Department partners with the United States Fish and Wildlife Service on many transactions throughout the State. Ms. Primiano indicated that the Department is promoting this as a sole source transaction to the United States Fish and Wildlife Service. The Conservation Fund, which is a non-profit organization, will actually acquire the land and then transfer it to the United States Fish and Wildlife Service. The property will be appraised and the United States Fish and Wildlife Service will pay fair market value for the property. This transaction will certainly benefit the State of Rhode Island and will preserve this habitat, which is certainly important from the Department of Environmental Management's perspective. Chairman Flynn asked Ms. Primiano to explain the connection between this transaction and the Camp Pastore property, which is referenced in the submission memorandum. Ms. Primiano explained that this particular transaction was spurred by the proposed transfer of the Camp Pastore property

in the Town of Charleston. The United States Fish and Wildlife Service certainly recognizes Camp Pastore as a very important parcel of land for preservation and has examined the connection between acquiring this property from the State of Rhode Island and returning the Camp Pastore property to the ownership of the Department of Environmental Management to ensure that it is protected in perpetuity. Therefore, as part of the transaction they are hoping that not only will they acquire the property, but are asking that the State of Rhode Island to consider placing a permanent easement over the property. Chairman Flynn indicated that the reason that transaction was proposed has to do with current fiscal year budget of the Department of Mental Health, Retardation and Hospitals. The Department of Mental Health, Retardation and Hospitals proposed the sale of 30 out of the 50 acres of Camp Pastore, which is located adjacent to the Burlingame State Park. As a budget measure from last year, the Department of Mental Health, Retardation and Hospitals estimated the value of the property at \$3 million plus, which is likely not an accurate market value. However, that amount is in the budget right now, so the transaction presently before the Committee will to some degree fill that hole and protect that property, which has come under great scrutiny in the Charlestown and other locations as to why the State of Rhode Island would ever consider selling it. This transaction would actually resolve two problems. Mr. Pagliarini asked Chairman Flynn how the Committee could differentiate this transaction from the Spruce Street property, where someone had come forward and asked to purchase the property and the Committee



refused to sell the property as a sole source and required that the Department of Transportation go out to bid. Chairman Flynn indicated that in regard to the Spruce Street property, that parcel of land was to be sold for development purposes. In this case, Chairman Flynn indicated that the State of Rhode Island has no interest in selling the subject property for development. The State's interest is to preserve the property. Mr. Pagliarini noted that the State's interest is to preserve property that it already owns. Chairman Flynn indicated that the State will be preserving property that it already owns and preserving an additional property that the State, through whatever means, had proposed to sell. Therefore, the transaction preserves two properties. Mr. Pagliarini indicated he was trying to reconcile Ms. Primiano's comment concerning wildlife and water resources; however, the property is not in any danger as the State of Rhode Island already owns it. Ms. Primiano indicated that the United States Fish and Wildlife Service will allow full public access to use of the property, which was one of the Director Sullivan's concerns. Mr. Woolley asked if there are any structures or activity along the shoreline. Mr. Ryan stated that this transaction officially expands the John Chafee Preserve and the proceeds from this transaction will be allocated to the General Fund. Subject to the Committee's approval and conducting due diligence expeditiously, this transaction could be complete before the end of the fiscal year. If not, then definitely by the very beginning of next year. Mr. Pagliarini asked if the Government Center is technically on the Department of Environmental Management's property. Mr. Ryan and Ms. Primiano

indicated that the Government Center is not on the Department of Environmental Management's property. The Government Center was actually purchased by the Public Buildings Authority and its custody is now part of the Department of Administration. Mr. Woolley commented that the State facilities that are currently on this property are all part of one large parcel. Mr. Ryan indicated the parent tract is 114 acres and 72 acres are being carved out. Mr. Woolley asked if any thought has been given to the fact that South County is growing and that the courthouse is woefully inadequate already and so are the other offices such as the registry. Mr. Woolley questioned whether at some point in time, should the fiscal condition of the State of Rhode improve that there may be a need to double if not triple the size of the courthouse and perhaps construct new office buildings. Mr. Woolley commented that as this is the Government Center for South County, there is going to be a future need for expanding office space for government buildings. Mr. Woolley asked why this would not be the ideal location to accomplish that. Mr. Woolley indicated that a traffic signal already exists, it is a good location in terms of access by public transportation; why would the Department of Administration and/or the Department of Environmental Management want to dispose of this land to essentially accomplish a one time fix in a budget. Mr. Ryan indicated that he did not agree that this is a one time fix in a budget as the property located closer to the water will have numerous restrictions so office buildings could not be developed there anyway. Mr. Ryan indicated that the Departments believe they have retained enough of the upland portion of the

property to address any concerns regarding future expansion. Mr. Ryan stated the area is well developed already although there is still land available. The Government Center is serving the area well and he is not aware of any plans to expand the courthouse. Chairman Flynn agreed with Mr. Ryan's comment regarding expansion of the Washington County Courthouse. Chairman Flynn stated the only courthouse he has heard about in terms of expansion is the Blackstone Valley Courthouse. Mr. Pagliarini indicated that he shared Mr. Woolley's concerns regarding future expansion. A motion was made to grant conceptual approval subject to the Department of Administration and/or the Department of Environmental Management providing correspondence from the Chief Justice's Office indicating whether there are any plans whatsoever for the expansion of the Government Center within the next five (5) to ten (10) years by Mr. Pagliarini and seconded by Mr. Griffith. The motion passed three (3) votes "Aye" to one (1) vote "Nay".

**Three (3) Votes "Aye"**

**Mr. Griffith**

**Mr. Pagliarini**

**Chairman Flynn**

**One (1) Vote "Nay"**

**Mr. Woolley**

**Mr. Ryan indicated the Department of Administration will complete**

**the usual surplus process; however, it will make a special outreach to the Judiciary in addition to obtaining a letter from the Chief Justice's Office.**

**ITEM C – Department of Environmental Management – A request was made for**

**final approval of and signatures on a Warranty Deed for the acquisition of 23 acres of**

**land known as the Gaudette property located on Ten Road in the Town of Exeter. Ms. Primiano indicated that this item has been before the State Properties Committee for both conceptual approval and approval of and signatures on the Purchase and Sale Contract. The Department of Environmental Management has now received the survey and the final title report. The subject property is an in-holding with frontage on Route 165 and fills a gap in the Department's Arcadia area. It is a relatively small parcel of land; however, the Department believes it is an important acquisition. A motion was made to approve Mr. Pagliarini and seconded by Mr. Griffith.**

**Passed Unanimously**

**ITEM D – Department of Environmental Management – A request was made for**

**conceptual approval to purchase approximately .70 acres of land located on Route 91**

## **State Highway in the Town of Richmond; referred to as Meadowbrook Pond Fishing**

**Access.** Mr. Primiano presented a site map of the subject property and the surrounding area. Mr. Primiano indicated the property is currently owned by Tuckahoe Turf Farm. The State of Rhode Island has been leasing the property since some time in the 1970's. Ms. Primiano indicated that the subject property includes a gravel parking area, which is actively used by the public. In fact, Meadowbrook Pond is one of the busiest sites on opening day of the fishing season.

The landowner is now considering subdividing and selling some of the lots. As the State of Rhode Island has leased the property for a number of years, Tuckahoe Turf Farm offered this portion of the property to the State first. Ms. Primiano explained that while Tuckahoe Turf Farm was going through the process of subdividing the land, she asked that they reserve a small lot at the end of the property as the State does not wish to acquire all of the frontage lots just to provide fishing access. Ms. Primiano noted that she has worked with Tuckahoe Turf Farm directly relative to defining a small lot for purposes of providing fishing access. There has been some discussion internally at the Department of Environmental Management as to whether it should examine the abutting lot, for public use and access to the pond, which would give the Department of Environmental Management approximately five (5) acres of land for public use and access to the pond. Mr. Pagliarini noted that the Action Request Form indicates the subject property is unbuildable.

**Mr. Pagliarini asked if the State of Rhode Island will appraise the property as unbuildable. Mr. Primiano indicated that the property will be appraised as is; therefore, it will be up to the appraiser to find comparable sites of small riverfront property. Ms. Primiano believes this will be a tricky appraisal. A motion to approve was made by Mr. Pagliarini and seconded by Mr. Griffith.**

**Passed Unanimously**

**ITEM E – Department of Environmental Management – A request was made for conceptual approval to appraise, survey, title search and negotiate the purchase of agricultural development rights and a conservation easement over approximately 120 acres of land located in the Town of Tiverton; known as Ferolbink Farms. Ms. Primiano indicated that subject to the State Properties Committee approval, this will be one of the most significant farmland acquisitions in the coming year. Ms. Primiano presented an aerial photograph of the subject property, which shows the location of the property. Mr. Woolley asked if the property was actively be farmed at this time. Ms. Primiano stated that the property is actively being farmed and is one of the few active potato farms in the State of Rhode Island. Ms. Primiano indicated that the land acquisition will be for development rights and the State will purchase the development rights on the three (3) parcels of land, which Ms. Primiano illustrated using the aerial photograph. The Department of Environmental Management will be seeking a donation, which the landowner has basically agreed to the donation of this thirteen (13) acre parcel of the land in order for the State of Rhode Island to connect all three parcels of land. Ms.**

**Primiano indicated that the focus of the Department of Environmental Management's acquisition will be the development rights. A motion was made to approve by Mr. Pagliarini and seconded by Mr. Griffith.**

**Passed Unanimously**

**ITEM F – Department of Environmental Management – A request for conceptual approval to appraise, survey, title search and negotiate the purchase of approximately 57.2 acres of land located in the Town of Coventry; known as the Smith Property.**

**Mr. Primiano explained that although this is not a large acquisition, the Department of**

**Environmental Management believes it is a very important one. Ms. Primiano presented a site map for the Committee's review and illustrated the subject property and the surrounding parcels of land. Mr. Pagliarini asked if this acquisition completes the Department of Environmental Management's frontage around Carbuncle Pond. Ms. Primiano indicated that yes this acquisition will tie up the entire pond frontage.**

**A motion was made to approve by Mr. Pagliarini and seconded by Mr. Woolley.**

**Passed Unanimously**

**ITEM G – Department of Environmental Management – A request was made for conceptual approval to appraise, survey, title search and negotiate the purchase of approximately 123.38 acres of land located on Willie Woodhead Road in the Town of Gloucester; known as the**

**Purvis Property. Ms. Primiano presented a site map to the Committee for its review and illustrated the location of the subject property and explained the surrounding area. The Department of Environmental Management has been interested in this property for some time. The property owner approached the Department of Environmental Management a number of years ago; however, due to some health issues asked to delay the proposed transaction. The property owner has again contacted the Department relative to this property as well as the Gloucester Land Trust. Ms. Primiano indicated that the Gloucester Land Trust will be of assistance to the State relative to this acquisition. Ms. Primiano indicated that the Department of Environmental Management has some approvals in place from the Champlin Foundations, wherein they would agree to fund 50% of the acquisition costs. The Department of Environmental Management wishes to move forward before the property owner changes his mind. A motion was made to approve by Mr. Griffith and seconded by Mr. Woolley.**

**Passed Unanimously**

**Mr. Pagliarini respectfully requested that he be allowed to move to approve Items H, I and J, as he attended countless public hearings relative to the Cioe property, the Shepard/Glen Avon properties and the Bates property. Mr. Pagliarini indicated that these acquisitions are a great source of pride for the Town of West Greenwich. The Town contributed \$8 million dollars as a contribution for these three acquisitions. Chairman Flynn agreed that the amount of money contributed by the Town of West Greenwich is enormous amount for**



any town, particularly a small town. Chairman Flynn asked if Mr. Pagliarini wished to make the motions to approve Items H, I and J before the Department of Environmental Management makes its presentation. Mr. Pagliarini indicated that he wished to move approval even before the Department makes its presentations. Mr. Pagliarini thanked the Department of Environmental Management, The Nature Conservancy and all the parties involved for their efforts. Ms. Primiano presented a site map for the Committees review and illustrated the locations of the subject properties and indicated she would answer any questions. Chairman Flynn clarified that the presentation letter submitted to the State Properties Committee referenced Federal Highway Enhancement monies; however, the funds are actually earmarked federal funds to be used specifically for land protection.

**ITEM H – Department of Environmental Management – A request was made for approval of and signatures on a Purchase and Sale Agreement by and between The Nature Conservancy and the State of Rhode Island, acting through the Department of Environmental Management and the Town of West Greenwich for the acquisition of a Conservation Easement over approximately 476 acres of land located in the Town of West Greenwich; known as the Cioe Property. A motion was made to approve by Mr. Pagliarini and seconded by Mr. Woolley.**

**Passed Unanimously**

**ITEM I – Department of Environmental Management – A request was made for approval of and signatures on a Purchase and Sale Contract**

**for Conservation Easement over approximately 1,033 acres of land located in the Towns of West Greenwich and Coventry; known as the Shepard/Glen Avon Properties. A motion to approve was made by Mr. Pagliarini and seconded by Mr. Woolley.**

**Passed Unanimously**

**ITEM J – Department of Environmental Management – A request was made for approval of and signatures on a Purchase and Sale Contract for the acquisition of a Conservation Easement over approximately 120 acres of land located in the Town of West Greenwich; known as the Bates Property. A motion to approve was made by Mr. Pagliarini and seconded by Mr. Woolley.**

**Passed Unanimously**

**ITEM K – Department of Environmental Management – A request was made for approval of and signatures on the annual License Agreements by and between Sail Newport Inc., The Fort Adams Foundation/Trust, The Museum of Yachting and the Newport Rugby Club allowing the aforementioned organizations to host various events and activities at Fort Adams State Park with authorization to serve alcoholic beverages.**

**Mr. Faltus indicated that these are annual License Agreements from the various organizations that utilize Fort Adams State Park for special events and activities with authorization to serve alcoholic beverages. Mr. Faltus indicated that the License Agreements include those events, which the organizations have already planned or scheduled for this year subject to approval as well as open dates for any unscheduled requests that may come in over the course of the**

season. Mr. Faltus indicated that all the organizations currently have insurance policies in place with host liquor liability insurance. The policies are subject to renewal as follows: Sail Newport, Inc., May 7, 2008; Fort Adams Trust, May 1, 2008; The Museum of Yachting, June 19, 2008; and Newport Rugby Club, May 14, 2008. Mr. Faltus indicated that each of these organizations have been very conscientious in the past in providing the Department of Environmental Management with updated annual Certificates of Insurance. Mr. Faltus respectfully requested that the License Agreements be approved subject to the organizations providing new Certificates of Insurance with host liquor liability insurance.

A motion was made to approve subject to new Certificates of Insurance with host liquor liability insurance being provided to the State Properties Committee by Mr. Griffith and seconded by Mr. Woolley.

**Passed Unanimously**

**ITEM L – Department of Environmental Management – A request was made for approval to work with the Division of Purchases to go out for bid for a five (5) year concession contract, with an option to renew for an additional five (5) year period, for kayak and paddleboat service at Goddard Memorial State Park in the City of Warwick. Mr. Faltus explained that kayaking is becoming increasingly popular here in Rhode Island. Mr. Faltus reminded the Committee that last year the Department of Environmental Management established a concession at Lincoln Woods State Park. There is now a similar interest at Goddard Memorial State Park in Warwick. Mr. Faltus indicated that**

the Department of Environmental Management is seeking permission to work with the Division of Purchasing to go out for bid a kayak and paddleboat concession at Goddard Memorial State Park. Mr. Faltus stated that a minimum bid of \$7,500. The provisions also include that 50% of whatever the successful bid is will be used to make some building and ground repairs at Goddard Memorial State Park. Mr. Pagliarini asked where the nearest Coast Guard station is located. Mr. Faltus indicated the nearest is probably Castle Hill in the City of Newport. Mr. Pagliarini indicated that he did not have any problem with allowing kayaks; however, he is very concerned with the idea of renting paddleboats. Mr. Pagliarini indicated that the body of water we are talking about is not a pond; it's the harbor with access to the ocean. Mr. Pagliarini believes there is great potential for problems. Mr. Faltus explained that under the concession contract, everyone is required to wear life jackets and be properly equipped with life preservers. Mr. Pagliarini indicated that it would not take too long to get around the point and into the ocean. Mr. Pagliarini commented that a couple of adventurous teenagers rent a paddleboat and end up out too far and there are going to be problems. Mr. Faltus indicated that the beach is protected. There are certified lifeguards on duty at all times. Mr. Faltus indicated that if anyone got into trouble one of the lifeguards could respond. However, Mr. Faltus indicated that human behavior certainly cannot be completely controlled or regulated. Mr. Woolley suggested that the indemnification clause contained in the Request for Proposals is not as strong as the indemnification clauses contain in the License Agreements for the

use of Fort Adams State Park. Mr. Woolley recommended that the final concession contract include the indemnification language from the Fort Adams State Park License Agreements, as it is much stronger. Mr. Faltus indicated that said language will be incorporated in the contract. Mr. Woolley commented that his experience with paddleboats is that you have to paddle extremely hard to get anywhere at all unless the design has been greatly improved. Mr. Griffith asked if the condition that 50% of whatever the successful bid is will be used to make some building and ground repairs at Goddard Memorial State Park is standard language. Mr. Faltus indicated that it is standard language and the Department has a procedure in place that if an improvement needs to be made, the Department secures three different bids for the work that needs to be done and the concessionaire pays the cost for the improvements directly. Mr. Griffith asked if the balance of the money goes to the General Fund. Mr. Faltus indicated that the remaining balance goes to the General Fund. Mr. Griffith asked if this procedure has been approved by the Budget Office. Mr. Faltus indicated that it has been a standard provision in the Department's concession contracts for numerous years and was approved by the State Properties Committee. A motion was made to approve the Department of Environmental Management's request concerning a kayak and paddleboat concession subject to the of Department of Environmental Management returning to the State Properties Committee once the Department receives a response to the Request for Proposals by Mr. Woolley and seconded by Mr. Griffith. The motion passed three (3)

**votes “Aye” to one vote “Nay” relative to the paddleboat portion of the request.**

**Three (3) Votes “Aye”**

**Mr. Griffith**

**Mr. Woolley**

**Chairman Flynn**

**One (1) Vote “Nay”**

**Mr. Pagliarini**

**ITEM N – Narragansett Bay Commission – A request was made for approval to proceed with the acquisition of 17,592 square feet of permanent easements from the City of Pawtucket and the acquisition of 5,904 square feet of permanent easements from the Storage Acquisition Pawtucket – Concord, L.C.C. in connection with the Concord Street Project. Mr. Bucci explained that the Narragansett Bay Commission is requesting permanent easements for a project that has already been approved and constructed. However, complication in the field required the Narragansett Bay Commission to go outside the existing easement area; therefore, these new easements are to provide an area around the newly installed pipes. Mr. Bucci indicated that in the manner the plan was developed, it gives the Narragansett Bay Commission the option to offer the property owners to have us abandon portions of the old easement, which are no longer required. Chairman Flynn clarified that the**

**Narragansett Bay Commission's proposal is necessary so that the easements match where there are already new pipes. Mr. Bucci indicated that is the purpose of the proposal. Mr. Pagliarini asked if the party whose land was encroached upon support this request. Mr. Brueckner indicated that most of the easement area is a public street, but it is privately owned by the City of Pawtucket. Mr. Brueckner indicated that it is a rather unusual situation. Mr. Brueckner explained that all of the land from the City of Pawtucket is a roadway that is utilized daily by individuals to get to a development at the end of the road. However, the road becomes a private road owned by the City of Pawtucket. Mr. Brueckner explained that the easements from the City of Pawtucket are in a right-of-way. The easements for the Storage Acquisition are along the edge of the road so there is not a substantial impact on them. The Narragansett Bay Commission dealt with these people during construction and they are aware of the easement and where the pipe has gone so Mr. Brueckner does not believe there is any issue. A motion was made to approve by Mr. Griffith and seconded by Mr. Pagliarini. Passed Unanimously**

**ITEM O – Narragansett Bay Commission – A request was made for approval to proceed with the acquisition by condemnation of properties for the expansion of the existing Narragansett Bay Commission treatment operation. After a discussion of this request ensued and it became apparent that the City of Providence was clearly not in favor of these acquisitions, but indicated it is willing to discuss the matter further with the Narragansett Bay Commission, the State Properties Committee recommended that the parties defer this**

**item to the April 29, 2008 meeting of the State Properties Committee to allow them the opportunity to discuss the matter. A motion was made to table this item to the April 29, 2008 meeting of the State Properties Committee**

**Passed Unanimously**

**ITEM P – Department of Transportation – A request was made for signatures on an Agreement to Purchase and a Quit Claim Deed to dispose of approximately 936 square feet of land located at 938 Oaklawn Avenue in the City of Cranston to Brooklyn Heights Associates, LLC. This item was deferred to a future meeting of the State Properties Committee at the request of the Department of Transportation.**

**Passed Unanimously**

**The Committee moves to go into Executive Session, pursuant to Rhode Island General Law pursuant to Rhode Island General Law 42-46-5(a)(5) for the specific purpose of discussion or consideration related to the acquisition or lease of real property for public purpose, or of the disposition of publicly held property wherein advanced public information would be detrimental to the interest of the public.**

**A motion was made to enter into Executive Session by Mr. Woolley and seconded by Mr. Pagliarini. A roll call vote was taken and the votes were as follows: Mr. Griffith voted “Aye”, Mr. Pagliarini voted “Aye”, Mr. Woolley voted “Aye” and Chairman Flynn voted “Aye”.**

**The State Properties Committee closed the Executive Session and returned to**



**open session at 12:05 p.m.**

**ITEM E1 – Department of Transportation – A request for authorization to acquire land located in the City of Warwick for the proposed railroad bridge adjacent to the Wellington Avenue Railroad Bridge. After discussion in Executive Session, a motion was made to approve by Mr. Woolley and seconded by Mr. Pagliarini.**

**Passed Unanimously**

**There being no further business to come before the State Properties Committee, the meeting was adjourned at 12:06 p.m. A motion was made to adjourn by Mr. Woolley and seconded by Mr. Pagliarini.**

**Passed Unanimously**

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**Holly H. Rhodes, Executive Secretary**